

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| Michael F. Ezzo, |) | CASE NO. 4:13 CV 1892 |
| |) | |
| Plaintiff, |) | JUDGE PATRICIA A. GAUGHAN |
| |) | |
| Vs. |) | |
| |) | |
| Carolyn W. Colvin, |) | <u>Order</u> |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

INTRODUCTION

This matter is before the Court upon the Report and Recommendation of Magistrate Judge William H. Baughman (Doc. 39) recommending that the Court approve counsel's request for attorney's fees in the amount of \$14,455.00, with \$4,300.00 to be remitted back to plaintiff. No objections have been filed. Because this Court finds no clear error, the Report and Recommendation is ACCEPTED and the fee request is approved.

STANDARD OF REVIEW

When objections are made to a Magistrate Judge's Report and Recommendation, the

district court reviews the case *de novo*. Federal Rule of Civil Procedure 72(b) provides in pertinent part:

The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

As stated in the Advisory Committee Notes, "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." In *Thomas v. Arn*, 474 U.S. 140, 150 (1985), the Court held, "It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."

DECISION

This Court, having reviewed the Report and Recommendation and finding no clear error, hereby accepts the Magistrate Judge's Report and Recommendation. In accordance with that recommendation, the Court hereby approves attorney's fees in the amount of \$14,455.00, with \$4,300.00 to be remitted to plaintiff. The Report and Recommendation is incorporated herein by reference.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge

Dated: 11/10/16